

## **CITY COUNCIL MINUTES**

**July 14, 2014**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, July 14, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

**Meticulous effort was employed to present a verbatim transcript of this meeting. Audio recordings of this meeting are on file in the City Clerk's Office.**

**President Friend:** The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

### **ROLL CALL:**

**Present:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**Vice-President Friend:** With nine (9) here and nobody absent, we have a quorum this evening.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance; Stephanie (*Brinkerhoff-Riley*), how about you?

### **COUNCIL ATTORNEY**

This evening we have Mr. Danks joining us this evening. Thanks Scott.

### **SERGEANT AT ARMS**

The Sergeant at Arms is Officer Smith. Thanks for coming out.

### **APPROVAL OF MINUTES**

I need to have a motion for approval of the June 23, 2014 minute...meeting of the...

**President Friend:** I had a motion by Councilwoman Mosby, seconded by Councilwoman Robinson. Ayes? Nays? (*Unanimous Ayes*) That goes forth.

### **REPORTS AND COMMUNICATIONS**

#### **IN YOUR JULY 11<sup>th</sup> PACKET:**

- \* City Council Meeting Agenda and Committee Meeting Schedule for July 14, 2014
- \* Ordinances G-2014-15, G-2014-16 and G-2014-17
- \* Resolution C-2014-18 Amended (Docket)
- \* May 2014 Financial Report
- \* Final Official Statement for Waterworks District Revenue Refunding Bonds, Series 2014B from H.J. Umbaugh & Associates, dated June 17, 2014
- \* Evansville Redevelopment Commission Minutes dated June 17, 2014
- \* Area Plan Commission Report and Meeting Minutes dated June 12, 2014
- \* Weights & Measures 2013-2014 Annual Report

- \* Jacobsville Quality of Life Plan
- \* Letter from Concerned Citizen re: 2012 Audit and City Controller Response

**EMAILED MATERIAL:**

- \* City Council Meeting Minutes for June 23, 2014
- \* Evansville Redevelopment Commission Annual TIF Notice
- \* Board of Health Resolution – Support letter for Common Council of the City of Evansville

**ON YOUR DESK THIS EVENING:**

- \* Revised Short Agenda
- \* Extended Agenda
- \* Ordinances G-2014-16 Amended, R-2014-15 and R-2014-16
- \* Area plan Commission Report and Meeting Minutes dated July 10, 2014
- \* Air Permit Legal Notice from James Memering Excavating, Inc.
- \* City Controller's Response to Councilwoman Brinkerhoff-Riley's Letter
- \* Letter from Barnes & Thornburgh to City Controller Russ Lloyd Concerning Ford Center Bonds

**President Friend:** I need a motion to receive, file and make these reports and communications a part of the minutes of the...

**Councilwoman Brinkerhoff-Riley:** So moved.

**Councilman O'Daniel:** Second

**President Friend:** I had a...by....

**Unidentified Speaker:** Brinkerhoff-Riley.

**President Friend:** Brinkerhoff-Riley. Yes, thank you. And Councilman O'Daniel? Ayes? Nays? (*Unanimous Ayes*) That goes forth.

Before we go on, I'm going to kinda get out of agenda. I was...got a request from my Finance Chair to have maybe Russ...

**Councilman O'Daniel:** If you want to come on forward.

**President Friend:** Yeah, come on up.

**Councilman O'Daniel:** I thought this might be an appropriate time since we just talked about reading, or at least the agenda had the Barnes & Thornburgh letter as well as the response to a couple letters.

**City Controller Lloyd:** Right.

**Councilman O'Daniel:** I know most of you, or everybody, should have gotten that either Satur...I think you gave...sent it out Saturday if I'm not mistaken but should have received it today and I guess to the extent that anybody has any questions about it, I know you've offered to have one-on-one time, or whatever, to go over that in thoroughness but if anybody has any questions. I don't know if you'd want to entertain anything at this time as to those or if anybody's not had an opportunity to fully review that, perhaps we could do that at a later time.

**Councilwoman Brinkerhoff-Riley:** *(Off Mic)* Yes Mr. Lloyd, I had...I sent you an email. I know the Barnes & Thornburgh *(Inaudible)* today.

**City Controller Lloyd:** *(Audio Difficulties)* Right.

**Councilwoman Brinkerhoff-Riley:** *(Off Mic)* Just respond to me when you get the chance. If you've got some time this week or next, we can sit down and talk about it.

**Councilman O'Daniel:** Okay.

**City Controller Lloyd:** *(Audio Difficulties)* There'll be some time this week *(Inaudible)*.

**Councilman O'Daniel:** The other thing I wanted to at least address and maybe you can kind of fill us in. There's been the entrance interview for the 2013 audit. Can you kind of tell the members here what...what the timeframe is on that and when you might expect those to...that process to be concluded.

**City Controller Lloyd:** *(Audio Difficulties)* The...and the fact that the State Board moved right back in; we just got the 2012 issued in May and here we are right back into 2013. They're trying to get us back on the regular schedule that we had before, so they would like to get the federal done, really by mid-August to...so they can get it in by September and get it back on time, the federal portion of the audit. So issued probably late September, early October, something like that. We've been providing...we provided all the fund statements, the bank reconciliations, and the internal-control questionnaires and they're doing analysis now. They're also working on the federal audit so I mean they're basically moving forward full bore.

**Councilman O'Daniel:** Okay. And that's the federal, the City, and the Utility? All that?

**City Controller Lloyd:** *(Audio Difficulties)* They have not started the Utility yet. They're going to get back with us on that.

**Councilman O'Daniel:** Okay.

**City Controller Lloyd:** *(Audio Difficulties)* The City and federal are moving along.

**President Friend:** Russ, when we had the conference we talked about the...had to use the term GASB 34, which basically we're going to a modified, kind of a modified accrual method.

**City Controller Lloyd:** *(Audio Difficulties)* Right.

**President Friend:** Okay, do you see any issues at the beginning balances because we have to plug the beginning balances in at that stage versus the ending balances, so...cause we have a change in consistency in the audit procedures, okay. Do you see anything being held up in the audit procedures cause they got to audit those beginning numbers again.

**City Controller Lloyd:** Right.

**President Friend:** Okay, so you don't see any issues with that?

**City Controller Lloyd:** *(Audio Difficulties)* No, not with the fund balances. They'll also have notes related to *(Inaudible)* retirement and retirement health benefits and pensions and things like that.

**President Friend:** Now if I recall, that number at the beginning period of time is around about 210 million dollars. Is that...do you see that *(Inaudible)* changing much?

**City Controller Lloyd:** *(Audio Difficulties)* No, *(Inaudible)* change.

**President Friend:** Do we see any hold up in that actuarial study?

**City Controller Lloyd:** *(Audio Difficulties)* No, they're supposed to give it to us this week and we're going to provide the GASB at the end of this week...end of this week is what we've targeted.

**President Friend:** Okay.

**Councilman O'Daniel:** Um, and then I guess the second thing is budget. Kind of where are we at on that and I know we've got a full week scheduled for beginning the 18<sup>th</sup> of August, in that week in the afternoon. What has your office and Administration done so far and when would be expect sort of the proposed budget?

**City Controller Lloyd:** *(Audio Difficulties)* As I right now, we've had meetings with department heads going over the capital budgets and the operating budgets. We've probably got 2/3 of them complete so once all these meetings are complete, we'll...and we'll pull all the requests that the department heads have had, take the capital budgets, try to whittle it down to reasonable numbers and prepare the budget. And there may be...I don't know if there'll be follow-up meetings or some follow-up questions to the department heads but the mayor had targeted trying to finish the meetings I think in the next two weeks.

**Councilman O'Daniel:** And then would when Council get a proposed budget?

**City Controller Lloyd:** *(Audio Difficulties)* We'd like to get you the budget a week ahead of time; prior to the hearings.

**Councilman O'Daniel:** Might ask for a little longer than that. Um...perhaps a...if we get at least 10 days I think that...doesn't seem like those three days matter a whole lot but I think, at least for myself, it's going to be a Godsend. Kids get back to school and everything else so things get a little crazy.

**City Controller Lloyd:** *(Audio Difficulties)* Yeah, I guess if you take it before that weekend, it'll be like the 8<sup>th</sup> of August, which is Friday, something like that. *(Inaudible)*.

**Councilman O'Daniel:** Okay. And then lastly, I...we talked a little about collections for June, or from the May...and how did the City fare in the collections. I mean are we looking at future...future cuts based on the numbers so far or are the projections sort of in line with what budget was?

**City Controller Lloyd:** *(Inaudible)* The property tax came in 24% higher than the prior year so that's good. I mean at least it's up slightly and we're in close contact with the County Auditor for refunds and any other problems with that regard. The caps went down from last year to this year so that's another good thing.

**Councilman O'Daniel:** What...what's that mean, just for a lay person?

**City Controller Lloyd:** *(Audio Difficulties)* The property tax caps are the 1%, 2%, and 3%; the most the assessed value can grow and so if the assessed value goes beyond that cap by state law so that's basically a credit that the property tax owner doesn't have to pay, but the City, or County, or whoever loses out on that revenue.

**Councilman O'Daniel:** And that was down about, what, about a million five or so?

**City Controller Lloyd:** *(Audio Difficulties)* It was down about nine million last year and this year it's about 8.2 or *(Inaudible)*.

**Councilman O'Daniel:** Okay.

**Councilman O'Daniel:** And as that goes to zero that's a good thing.

**City Controller Lloyd:** *(Audio Difficulties)* Right, and that's...we saw the net assessed value grow like 3½% so that's a good thing. It means all the property values went up so the tax rate went down slightly which is good for the property tax payer. But anyway, we saw some growth in the city that we hadn't see in prior years. Those were encouraging.

**Councilman O'Daniel:** Any questions?

**President Friend:** Russ, last year we got cut by about \$800,000 off the boat. You remember that little deal they did? How did that work out for us this year thus far?

**City Controller Lloyd:** *(Audio Difficulties)* We're still working on those projections. I think we ended up 11.9 million last year coming in. We're in contact with Tropicana and we'll kind of work it out with them. You know that was...having free-play deductions permanent reductions so I wouldn't expect more cuts *(Inaudible)*.

**President Friend:** Well, you remember during the budget process last time, you were...you came in about 14.12 million in the boat and then we back to back I forget but then...but you also then picked it up in the LIT that was projected out by about 2.4 million, or whatever it was. Did that come...did that come to pass or a portion of it come to pass?

**City Controller Lloyd:** *(Audio Difficulties)* Are you saying the LIT was taking some of the excess funds from the Riverboat?

**President Friend:** Well what occurred when you first gave the budget last year, we had the numbers was up 14 and then you came back down to 11.7 million in the boat but then that seemed like it offset part of that reduction in the projections in that the LIT was then projected higher...

**City Controller Lloyd:** *(Audio Difficulties)* Yes.

**President Friend:** Made that...did that...is you're seeing that come to pass?



**President Friend:** Had a motion made by Councilwoman Robinson and seconded by Councilwoman Mosby. Ayes? Nays? *(Unanimous Ayes)* That goes forth.

**Councilwoman Robinson:** I move to adopt the Consent Agenda as written.

**President Friend:** I had a motion...

**Councilman O'Daniel:** Second.

**President Friend:** Okay, motion made by Councilman Robinson and seconded by Councilman O'Daniel. Ayes? Nays? *(Unanimous Ayes)* It goes forward.

**CONSENT AGENDA**  
**SECOND READING OF ZONING ORDINANCES**

**Councilwoman Robinson:** Mr. President, I move to adopt the Consent Agenda, Second Reading and go to Third and Final Reading.

**Councilwoman Mosby:** Second.

**President Friend:** Had a motion made by Councilwoman Robinson, seconded by Councilwoman Mosby. Ayes? Nays? *(Unanimous Ayes)* It goes forth.

Okay, I guess we go into...is there a motion to adopt the Consent Agenda Second Reading? We just did that, didn't we? We just did that. You got ahead of me on that. Connie, you're always so quick. Thank you.

**REGULAR AGENDA**  
**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2014-5 AMENDED      APC      C-4, R-2, M-1 to M-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 311, 313 & 400 N. Sixth Avenue, 1321, 1330 & 1331 W. Michigan Street, 1300-1314, 1316, 1318-1320, 1332, 1324-1326, & 1330 W. Virginia Street, 307, 309, 311-313, 315, 317, 319, & 320 N. Fifth Avenue, 322, 500, 520 N. Fulton Avenue

Petitioner:                      Hartford Bakery, Inc. and Lewis Brothers Bakeries, Inc.

**President Friend:** Yes. Come forward. Please state your name for the record, address.

**Maria Bulkley:** *(Audio Difficulties)* Good afternoon members of the City Council. For the record, my name is Maria Bulkley. I'm an attorney with Kahn, Dees, Donovan &



Kahn law firm, 501 Main Street, and with me this afternoon is Jack Lewis, the president of Lewis Brothers Bakery.

We are asking tonight to rezone our 10.8-acre bakery campus to all M-2 for a combination of M-1, R-2, C-4, and M-2. I'd like to talk for just a moment about Lewis Brothers Bakery and its roots in our community and then I'll just make a couple of brief comments about our rezoning petition.

Lewis Brothers Bakery has been operating in the Midwest since 1925 and today it continues to be a family owned bakery. In 1964, the Lewis family bought the current location of the main bakery building at 500 N. Fulton Avenue from the Hartford family and they ran a bakery there as well. Since the late 1800s, there's been a bakery operation at this location on Fulton Avenue.

Some of the Lewis Brothers bakery products you may be familiar with are, of course, Bunny Bread, as well Healthy Life, Roman Meal and many others. These products are baked right here in Evansville, Indiana on the westside and they're distributed throughout the U.S. and Canada.

Over the years the years the bakery has grown and numerous properties in the area have been acquired for the operations of the bakery and that's how it's grown to 10.8 acres of real estate.

I'm circulating an aerial photograph right now that gives you a bird's eye view of what we call the bakery campus. Most of the bakery campus carries an M-1 zoning with some R-2, C-4, and M-2 zonings mixed in and the bakery, for the most part, is M-1, and it carries what is known as a legal, non-conforming status so if you didn't grant the rezoning tonight, they would still be okay to operate as a bakery under their legal, non-conforming status.

We originally filed a petition just to rezone a couple of acquired residential lots that needed to be rezoned in order to legally utilize those for trailer storage. After we filed the rezoning petition on those couple of lots and after we discussed this with the Area Plan Commission staff, and also talked about some plans with Al Lindsey, our ward Councilperson, we took up the Area Plans... Area Plan Commission's recommendation to amend our rezoning petition and that would mean to rezone the whole 10.8-acre bakery campus to M-2. Rezoning the whole bakery campus to M-2 would bring it in line with the current zoning code and allow us to have a uniform zoning classification for the whole bakery campus.

Rezoning to M-2 would also be useful, and necessary, to the extent the bakery wants to make building modifications or expand, and presently the bakery does not have any

major over-hauls planned but they do wish to relocate a few air compressors to move them away from the bread conveyor belts, and in order to do that, they would need to bump-out, or extend, one side of one building. The rezoning would facilitate that building extension and pave the way for future expansion if that were desired in the future.

Lewis Brothers Bakers has prided itself on being a good neighbor with an open door policy to its neighbors. With respect to this rezoning, several neighbors have come in to the bakery to ask questions, and to the best of my knowledge, we've been able to answer all those questions to the neighbors' satisfaction. We have had one family that's had a couple more questions. I don't know if they'll be here tonight but if they do come here tonight if they have any additional questions or concerns we're happy to address those and Jack Lewis has met with them as well as...so have I and others in the bakery so we can work with them further if we need to.

We had a unanimous positive recommendation from the area plan commission and we respectfully request that you approve our petition for an M-2 zoning at this time and if you have questions for me or for Jack Lewis, we would be happy to answer those.

**President Friend:** How many people do you employ?

**Maria Bulkley:** *(Audio Difficulties)* Better let Jack answer that.

**Jack Lewis:** *(Audio Difficulties)* I'm Jack Lewis.

**President Friend:** Hi Jack.

**Jack Lewis:** *(Audio Difficulties)* 500 N. Fulton Avenue. That's where I live most the time.

*Laughter*

What was the question?

**President Friend:** I just asking; I'm just curious how many people you employ.

**Jack Lewis:** *(Audio Difficulties)* We have about 250 located here in Evansville. We employee 2,100 overall.

**President Friend:** Wow.

**Jack Lewis:** *(Audio Difficulties)* We ship product out of Evansville, Indiana as far north of Green Bay, Wisconsin. *(Inaudible)* as far south as Atlanta, Georgia. *(Inaudible)* make it here and ship it through distribution system.

**President Friend:** Well, you guys employ quite a few.

**Jack Lewis:** *(Audio Difficulties)* We have five bakeries: Fort Wayne, La Porte, Vincennes, Evansville, and Murfreesboro, Tennessee.

**President Friend:** Thanks Jack, appreciate it.

**Councilman O'Daniel:** Maria, does the M-2...that just...that is what this is right now, correct?

**Maria Bulkley:** *(Audio Difficulties)* It's...

**Councilman O'Daniel:** So, it will no longer be non-conforming. It's...

**Maria Bulkley:** *(Audio Difficulties)* Yeah, it would become all...all conforming...

**Councilman O'Daniel:** Right, yeah.

**Maria Bulkley:** *(Audio Difficulties)*...and that's kind of the desire of the Plan Commission.

**Councilman O'Daniel:** Right.

**Maria Bulkley:** *(Audio Difficulties)* Just go ahead and bring in line *(Inaudible)*.  
***Speaking Simultaneously***

**Councilman O'Daniel:** If we are going to do it, do it right.

**Maria Bulkley:** *(Audio Difficulties)* Yeah, exactly.

I did, if anybody wanted to see it, I did bring a colored zoning map so you can see. If anybody wanted to get into that much detail, have at it.

**President Friend:** Do we have any other questions from members? Anybody in the audience *(Inaudible)* for or against this?

Well, okay. Thank you very much. Well I entertain a motion to adopt R-2014-5 as Amended.

**Councilman Lindsey:** So moved.

**Councilman McGinn:** Second.

**President Friend:** Motion made by Councilman O'Daniel and seconded by...

**Councilwoman Robinson:** *(Off Mic)* It was Councilman Lindsey.

**President Friend:** Lindsey! Excuse...I'm sorry Al, pardon me.

**Councilman Lindsey:** That's alright.

**Jack Lewis:** *(Audio Difficulties)* He went through the bakery with us.

**Councilman Lindsey:** At least you got the gender right.

*Laughter*

**President Friend:** My apologies. I just heard something over here. Who seconded it? Oh it...and thank you...from Councilman McGinn.

**Councilman Lindsey:** *(Off Mic) (Inaudible)*

**President Friend:** It's in your area. Of course you would. It should be.

**Councilman Lindsey:** *(Off Mic) (Inaudible)*

**President Friend:** It's in your area, yes. Okay, with that, please call the roll.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** With nine (9) Ayes and no Nays, it goes forth with a do-pass. Thank you for coming out tonight.

**Maria Bulkley:** *(Audio Difficulties)* Thank you.

**Jack Lewis:** *(Audio Difficulties)* Thank you.

## **REGULAR AGENDA**

### **THIRD READING OF ZONING ORDINANCES**

#### **ORDINANCE R-2014-10**

#### **APC**

#### **CO-2 to C-3**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 715 Locust Street

Petitioner: Evansville - Vanderburgh County Building Authority

**Dave Rector:** *(Audio Difficulties)* Good afternoon Councilmembers, Dave Rector, Building Authority. Please excuse my casual dress. I was chasing a little white ball around. I wanted to get back to this meeting though.

**President Friend:** Did you take all the money?

**Dave Rector:** *(Audio Difficulties)* The reason for the request...Doug, go ahead and introduce yourself.

**Doug Gregurich:** *(Audio Difficulties)* Doug Gregurich with Old National Bank.

**Dave Rector:** *(Audio Difficulties)* The real crux of this is...the reason we're requesting to zone it to C-3 is currently the Old National Events Plaza is CO-2 and an electronic message board is not allowed in CO-2 so we can have an electronic message board in a C-3 once we get a rezoning to that and then we have to get a Special Use for VZA *(Inaudible)* C-3 so that's why we're requesting to go from CO-2 to C-3.

**President Friend:** Hm...any of the questions from members of Council?

**Councilman Weaver:** Dave, is this going to have Ford Center events on it or is it just going to be Centre?

**Dave Rector:** *(Audio Difficulties)* It will all say...Ford Center events...did you say?

**Councilman Weaver:** Yeah, will it?

**Dave Rector:** *(Audio Difficulties)* No, it will have Old National Events Plaza.

**Councilman Weaver:** It'd be nice to have some teamwork; collaboration.

**Dave Rector:** *(Audio Difficulties)* *(Inaudible)*...Old National. I'll let Doug address that.

**Doug Gregurich:** *(Audio Difficulties)* I don't think we care...either way.

**Councilwoman Robinson:** Let me ask you a question. Will it still be named The Centre or is it Old National Event Plaza?

**Dave Rector:** *(Audio Difficulties)* No, it will be Old National Event Plaza.

**Councilwoman Robinson:** So that will be removed then.

**Dave Rector:** *(Audio Difficulties)* Yes, and we have already received approval from VZA for the new signage to go to Old National Event Plaza; I think a total of nine signs. This was just an illustration that the sign company sent me so I could show you what the...

**Councilwoman Robinson:** Okay.

**Dave Rector:**...marquee was going to be.

**President Friend:** That's great. Any other questions?

**Councilwoman Brinkerhoff-Riley:** What's going to happen to the old sign that we take down?

**Dave Rector:** *(Audio Difficulties)* What will happen to the old signs? *(Inaudible)*

**Unidentified Speaker:** *(Off Mic) (Inaudible)*...recycled.

**Councilwoman Brinkerhoff Riley:** I didn't know if they could be recycled.

**Doug Gregurich:** *(Audio Difficulties)* Yes, what can be recycled it'll be recycled.

**Dave Rector:** *(Audio Difficulties) (Inaudible)*

**President Friend:** I know that there's some...why doesn't the Ford Center have a electronic out in front it?

**Dave Rector:** *(Audio Difficulties)* Long explanation. *(Inaudible)*

**President Friend:** Save it for another evening, I guess.

**Dave Rector:** *(Audio Difficulties)* They...we...there are many of us that think it should and would like for it to have, definitely.

**President Friend:** Yeah, that'd be great. Anybody in the audience for or against this?

With that I entertain a motion for R-2014-10.

**Councilwoman Mosby:** So moved.

*Speaking Simultaneously*

**Councilwoman Robinson:** So moved. Second.

**President Friend:** I had a motion by Councilwoman Mosby and seconded by Councilwoman Robinson. Please call the roll.

### **ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** Nine (9) Ayes, zero (0) Nays, this goes forth with do a pass.

**Doug Gregurich:** Thank you Councilmembers.

**Dave Rector:** Thank you.

**President Friend:** Thank you.

### **REGULAR AGENDA**

#### **THIRD READING OF ZONING ORDINANCES**

##### **ORDINANCE R-2014-14 AMENDED                      APC      R-2, CO-2 & C-4 TO C-4 & M-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 200, 202, 208, 210, 212, 214, 216, 218, 220, 222, 224, 300, 302, 306, 308, 312, 316 S. New York Avenue; 211, 213, 215, 217, 219, 301, 305, 307, 309, 311 S. Kerth Avenue; 1100, 1116, 1118, 1120, 1122, 1150, 1152, 1154, 1156 E. Walnut Street

Petitioner:                      New Odyssey Investments, LLC

**Mark Samila:** *(Audio Difficulties)* Good evening members of the City Council. My name is Mark Samila. I am an attorney with the law firm Kahn, Dees, Donovan & Kahn. My address is 501 Main Street and I'm here this evening representing New Odyssey Investments, LLC. Also with me this evening are Mike O'Daniel and Ray Farabaugh of D-Patrick.

As you know, D-Patrick Ford is currently located at 500 Walnut Street, which is diagonal from the Ford Center. We have to relocate from its current location in order to make way for the IU Medical School. We are asking for the rezoning of approximately a five-acre parcel located just west of the intersection of Walnut Street and Highway 41 as shown on the aerial map that we have handed out to each of you. The areas marked in

yellow need to be rezoned from a combination of R-2, CO-2 and C-4-to-C-4 and M-1 in order to accommodate a proposed relocation from downtown D-Patrick Ford-Lincoln automobile dealership and a possible future body shop.

There is an additional, approximately two acres, marked in red on the aerial picture, which gives the majority zoned as M-2 and this acreage does not need to be rezoned but will be part of the dealership.

We've also included a rendering of prototypical Ford dealership, based upon current Ford guidelines, along with street-view pictures of the seven-acre parcel in order to show some of the businesses, houses, and a warehouse that are presently located in this area.

The surrounding area is a combination of commercial and industrial zoned properties and some residences. As you can see from the color-zoning map, just to the north is primarily industrial, to the east is Highway 41, to the west would be one remaining row of residential homes with two adjacent blocks of commercial properties, and finally to the south, across Walnut, is mixture of residential and commercial.

With the completion of the Lloyd and 41 cloverleaf, along with the IU Medical School and downtown hotel, Walnut from 41 to downtown will continue to develop into more of a commercial area.

As you know, three weeks ago on, June 23<sup>rd</sup>, this location was designated by the City Council as Economic Development Target Area, making this rezoning request and development in line with the City's plans for revitalization and development of this area.

Three weeks...two weeks ago on Monday, June 30<sup>th</sup>, we held a neighborhood meeting at Memorial Baptist Church in order to talk to neighbors and residents in the area about this project. We had a lot of positive dialogue that took place and there's a lot of support from the neighbors. With that being said, we have been working with folks who are renting homes in the area that is being rezoned in order to help them relocate. We had many discussions with individual residents, compiled a list of residents and their needs.

As you also know, last week the Board of Public Works approved the grant agreement with the Memorial Community Development Corporation. The Memorial CDC is administering a \$20,000 grant to provide moving assistance to residents of the property that is being rezoned. If D-Patrick purchases the real estate, D-Patrick has volunteered to reimburse the City the \$20,000 grant that is being administered by the Memorial CDC.



I would also like to point out that Rev. Adrian Brooks of Memorial Baptist Church and Rev. Larry Rascoe of Nazarene Missionary Baptist Church support this project and rezoning.

In addition, last Thursday, the Area Plan Commission, by a unanimous 10-0 vote, recommended approval of the rezoning. As a result, we ask that you approve this rezoning request tonight. Getting approval of this rezoning request for the dealership is a contingency of purchasing the property. If the rezoning request does not pass, D-Patrick will not purchase this approximate seven acres of real estate and will not be able to stay in the downtown area. The O'Daniel family has had automobile dealerships in downtown Evansville since 1936. They've had a Ford-Lincoln automobile dealership at its current location since 1962 and we'd like to stay in the downtown area.

So again, we would request your approval this evening.

**President Friend:** Do we have any questions from members of Council? Anybody in the audience to be for or against this?

**Councilwoman Robinson:** Motion for a do-pass.

**Unidentified Speaker:** *(Audio Difficulties)* No, Lenard. *(Inaudible)*.

**Councilwoman Robinson:** *(Off Mic)* No, Lenard doesn't have any questions.

*Laughter*

**President Friend:** Lenard, no questions? Okay.

**Unidentified Speaker:** *(Off Mic)* *(Inaudible)*.

**President Friend:** Oh. Okay, I had a motion made by Councilwoman Robinson and need a second.

**Councilwoman Mosby:** Second.

**President Friend:** Seconded by Councilwoman Mosby. Please call the roll as it relates to R-2014-14 as Amended.

### **ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** Nine (9) Ayes, no Nays, Ordinance R-2014-14 as Amended is hereby declared adopted.

Thank you Mark, appreciate it.

Ah, Sec...

**Councilwoman Robinson:** Lenard, if you have a written presentation you can give it to the City Clerk and she'll give a copy to all of us.

**Lenard:** *(Off Mic) (Inaudible)*

**Councilwoman Robinson:** Thank you.

**President Friend:** Okay, I've got a Consent Agenda.

#### **CONSENT AGENDA**

#### **SECOND READING OF ORDINANCES AND RESOLUTIONS**

|                                   |                            |                       |
|-----------------------------------|----------------------------|-----------------------|
| <b><u>ORDINANCE G-2014-11</u></b> | <b><u>PUBLIC WORKS</u></b> | <b><u>LINDSEY</u></b> |
|-----------------------------------|----------------------------|-----------------------|

An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as That Portion of Right-of-Way of Chestnut Street Located Between Sixth Street and Martin Luther King Blvd., in the City of Evansville, Indiana

|                                   |                      |                     |
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| <b><u>ORDINANCE G-2014-12</u></b> | <b><u>A.S.D.</u></b> | <b><u>ADAMS</u></b> |
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An Ordinance Amending Chapter 18.140 of the Evansville Municipal Code (City Sign Ordinance)

|                                    |                       |                        |
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| <b><u>RESOLUTION C-2014-16</u></b> | <b><u>FINANCE</u></b> | <b><u>ROBINSON</u></b> |
|------------------------------------|-----------------------|------------------------|

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and/or Acquisition and Installation of Manufacturing Equipment (New Odyssey Investments, LLC/D-Patrick, Inc.)

#### **COMMITTEE REPORTS:**

##### **A.S.D. COMMITTEE:**

##### **CHAIRMAN ADAMS**

**Chairman Adams:** Mister President, your A.S.D. Committee met this evening to hear ***Ordinance G-2014-12*** and that does come forth with a do-pass. ***G-2014-14*** will be tabled until August 11<sup>th</sup> at 5:10.

**President Friend:** Thank you for your report.

**FINANCE COMMITTEE:**

**CHAIRMAN O'DANIEL**

**Chairman O'Daniel:** Yes, Mister President, your Finance Committee met this evening to hear **Resolution C-2014-16** and it comes forth with a do-pass recommendation. **C-2014-17** has been tabled and would request that that matter be set for July 28<sup>th</sup> at 5:10.

**PUBLIC WORKS COMMITTEE:**

**CHAIRMAN LINDSEY**

**Chairman Lindsey:** Yes, Mister President, your Public Works Committee met this evening to hear **Ordinance G-2014-11** and it comes forward with a do-pass recommendation.

**President Friend:** Okay, I guess is there a motion to adopt the Committee Reports and move the Ordinance and Resolutions to Third Reading?

**Councilman Lindsey:** So moved.

**Councilman O'Daniel:** Second.

**President Friend:** Had a motion made by Councilman Lindsey and seconded by Councilman O'Daniel. Ayes? Nays? (*Unanimous Ayes*) It goes forth.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE G-2014-11**

**PUBLIC WORKS**

**LINDSEY**

An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as That Portion of Right-of-Way of Chestnut Street Located Between 6<sup>th</sup> Street and Martin Luther King Blvd., in the City of Evansville, Indiana

**President Friend:** Okay, I think we need to have a discussion with this I believe, right?

**City Clerk Windhorst:** No, we can just go ahead and...we had a discussion.

**President Friend:** Yeah, we already did on it. Okay.

Is there a motion to adopt Ordinance G-2014-11?

**Councilwoman Robinson:** So moved.

**Councilman Adams:** Second.

**President Friend:** I had a motion by Councilwoman Robinson and seconded by Dr. Adams. Please call the roll as it relates to G-2014-11.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** Nine (9) Ayes, zero (0) Nays, Ordinance G-2014-11 is hereby declared adopted.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE G-2014-12**

**A.S.D.**

**ADAMS**

An Ordinance Amending Chapter 18.140 of the Evansville Municipal Code (City Sign Ordinance)

**President Friend:** Yes, is there a motion to adopt Ordinance G-2014-12?

**Councilman Weaver:** So moved.

**Councilman Adams:** Second.

**President Friend:** I had a motion made by Councilman Weaver and seconded by Dr. Adams. Please call the roll as it relates to G-2014-12.

***Comments made prior to casting their respective votes:***

**Councilman McGinn:** With my thanks for the hard work by Ron and the committee, Doc and everything; this was a tough one so I vote aye.

**Councilman Adams:** Again, I'd like to thank Ron and all the other people on the committee who really spent a lot of time and effort going through every possible connotation of signs in this thing and I think it worked out a great thing. I vote aye.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** Nine (9) Ayes and zero (0) Nays, Ordinance G-2014-12 is hereby declared adopted.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**RESOLUTION C-2014-16**

**FINANCE**

**ROBINSON**

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and/or Acquisition and Installation of Manufacturing Equipment (New Odyssey Investments, LLC/D-Patrick, Inc.)

**President Friend:** Is there a motion to adopt Resolution C-2014-16?

**Councilwoman Robinson:** So moved.

**Councilman O'Daniel:** Second.

**President Friend:** A motion made by Councilman...Councilwoman Robinson and seconded by Councilman O'Daniel. Please call the roll as it relates to C-2014-16.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** With nine (9) Ayes, zero (0) Nays, C-2014-16 is hereby declared adopted.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**City Clerk Windhorst:** That one was held.

**President Friend:** Oh, that was held; yes it was. Excuse me. Thank you.

**RESOLUTION DOCKET**

**RESOLUTION C-2014-18 AMENDED (DOCKET) FRIEND, ADAMS, ROBINSON, MOSBY, WEAVER**

A Resolution of the Common Council of the City of Evansville Supporting Land Based Gaming for Tropicana Evansville

**President Friend:** We need some discussion on this. I think it was *(Inaudible)* know that along the way that there's been a lot of the casinos...interesting fact, there's 1000 casinos throughout the whole United States of which of those 1000, 41 states share that. The, as we know, the gaming...gaming industry has...is being challenged. A lot of competition in it and if we all realize that...that with our gaming activity we have here in Evansville it's imperative for our local economy that this goes forward and I know we can debate the issues on gaming all night long but the fact of the matter is we know



**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE,  
INDIANA, SUPPORTING LAND BASED GAMING FOR TROPICANA EVANSVILLE.**

**WHEREAS,** The Common Council of the city of Evansville, Indiana hereby urges the General Assembly to authorize land based gaming for existing river boat casinos; and,

**WHEREAS,** Tropicana Evansville, formerly Casino Aztar, located in Evansville, Indiana as the State's first river boat casino in 1995; and,

**WHEREAS,** Tropicana Evansville has proven to be an outstanding corporate citizen to the City of Evansville, Indiana; and,

**WHEREAS,** Tropicana Evansville has invested significantly in the City of Evansville, Indiana, including but not limited to river boat casino, hotel, parking garage, a pavilion with pre-boarding facilities, retail shops, restaurants and a lounge area. Additionally, a new entertainment district with a boutique hotel and additional restaurants was opened in 2006; and,

**WHEREAS,** Tropicana Evansville has a workforce of 900 employees; and,

**WHEREAS,** Tropicana Evansville is a first generation riverboat that will require substantial investments to maintain; and,

**WHEREAS,** Tropicana Evansville enjoys annual revenues in excess of one hundred twenty million dollars; and,

**WHEREAS,** Tropicana Evansville and \$26.7 million dollars in wagering taxes and \$3.4 million dollars in admission taxes in State fiscal year 2013; and,

**WHEREAS,** Tropicana Evansville paid the City of Evansville, Indiana \$6.2 million dollars for lease year 2013, and,

**WHEREAS,** Tropicana Evansville is currently a three level river boat operation which cannot effectively compete with single level land bases operations; and,

**WHEREAS,** it is anticipated that the State of Kentucky will eventually authorize land based casinos which could result in Tropicana Evansville river boat operations' revenues being reduced by 50% or more; and,

**WHEREAS,** Tropicana Evansville's largest competitor, the Harrah's Metropolis, in Metropolis, Illinois, will be a land based casino by the end of 2014; and,

**WHEREAS,** Ellis Park is a land based facility within five miles of Tropicana Evansville with instant race machines. Ellis Park has the potential to expand current

operations and go to full land based gaming operations once Kentucky approves gaming; and,

**WHEREAS**, for Tropicana Evansville to remain competitive and financially strong, it is imperative that the General Assembly permit it to have land based gaming operations; and,

**WHEREAS**, by allowing Tropicana Evansville to have land based gaming operation the current docking facilities can be utilized by the World War II LST 325 that that has considered relocating to another state due to poor docking facilities.

**NOW THEREFORE, BE IT RESOLVED,**

THE COMMON COUNCIL OF THE EVANSVILLE, INDIANA, HEREBY urges the General Assembly of the State of Indiana to authorize land based gaming operations for Tropicana Evansville.

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Is there a motion to accept the amendment of the Resolution (Docket) C-2014-18 as Amended?

**Councilman Weaver:** So moved.

**Councilwoman Robinson:** Second.

**President Friend:** Okay, I had a motion by Councilman Weaver and seconded Councilwoman Robinson. Aye? Nays? *(Unanimous Ayes)* That goes forward.

Is there a motion to adopt Resolution C-2014-18 as Amended?

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

**President Friend:** We already did that...we already did that.

**City Clerk Windhorst:** You can do it by voice vote.

**Councilman O'Daniel:** Let's do it by voice vote.

**President Friend:** Let's go ahead and do a roll call on this.

**City Clerk Windhorst:** Who did the motion and second for a do-passage?

**Councilman O'Daniel:** Move for do-pass.



**City Clerk Windhorst:** Thank you.

**President Friend:** Had a motion...

**Councilman Weaver:** Second.

**President Friend:**...made by Councilman O'Daniel and seconded by Councilman Weaver. Please call the roll.

**ROLL CALL**

**Ayes:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** With nine (9) Ayes, zero (0) Nays, Resolution C-2014-18 is hereby declared adopted.

**MISCELLANEOUS BUSINESS**

There will not be a meeting on May, I mean on...May...on Monday, July 21, 2014. The one will be Monday, July 28 and it starts at 5:30 here at this very spot and Committee Reports will begin at 5:15 p.m.

**Councilman O'Daniel:** *(Off Mic)* 5:10 because we moved the one.

**President Friend:** Oh that's right. 5:10, five minutes earlier. Please note that.

Is there any other additional miscellaneous business?

**Councilman Adams:** I think, if my memory serves me, that I sent you all a query email. I'm sure you all got calls from people who felt nine days of fireworks was a little long.

**President Friend:** Yeah.

**Councilman Adams:** And I wonder if it wouldn't be worthwhile for us to discuss and perhaps tailor that ordinance by which we make a commitment to one weekend or the other, depending on what the 4<sup>th</sup> is closest to, and I'm not sure how to express that legally, but I thought nine days was too long. I don't know what we can do about the noise, the actual noise factor. I recommended people get hunting earmuffs, noise-suppressing earmuffs, which you can get at Cabela's for 80 bucks if the noise really...I mean seriously, if the noise becomes prohibitive. But I think nine days of fireworks is too long.

**President Friend:** Do we have these for our dogs?

**Councilman Adams:** Well, my...my...yes! Yeah my 80-pound shepherd spent a lot of time in my lap.

**Councilwoman Brinkerhoff Riley:** No, I would say that, because I read the ordinance as allowing 10 days, that's kind of that four or so days before and the four day days after. Two points: One of the things I learned when I worked for a law firm in Chicago is that there's no place to go when your child or spouse or loved one is injured by a malfunctioning firework. I mean one...I worked for a law firm in Chicago that a partner...his son had lost his eye and he went as far as to testify in front of Congress because one of the things the family learned after the child lost his eye was that there was literally no one to sue. There is no liability that goes across that ocean to that Chinese manufacturing company, and a lot of that has to do with a variety of free trade and whatnot-type agreements so there is no liability to compensate you often for what could be a horrible injury to a loved one.

And the other thing is that what I would love to see as we explore this is to look at the activity that goes on in our emergency rooms over those 10 days because it is a regular occurrence on a nightly basis for people to be burned and it...and that's not a malfunction necessarily, but here and there you get a malfunction of a firework that leads to a much more serious injury. But we deal with burns on a nightly basis in our ERs and I would like to explore what goes on in the 10 days that we let people discharge self-directed fireworks, and two points: One would be to limit the amount of time that you could do that and the other thing would be to look at where we allow them to be discharged because if you provide public locations for fireworks to be discharged by civilians, then you can provide some oversight and address the safety issues as well as limit, sort of, the impact of the noise randomly. I'm sure that's not a popular idea to limit the locations that we discharge them but it's just one of the things to explore when we limit the number of days. Also, maybe where we do that and I think that's one of the things to, when we get an idea of what type of injuries we deal with in the 10 days, that might give us some incentive to limit the locations.

**Councilman O'Daniel:** Doc had mentioned this before. I mean I think, and I wasn't around when those days were necessarily set years ago, but it seems to me that it makes a lot of sense that it was set the weekend before and the weekend after July 4<sup>th</sup> because some people will get together with one side of the family the week before, have cook-outs and those sort of things, set off some fireworks, and then the weekend afterwards. Now, how we might phrase that, you know, do you let it go on Monday, Tuesday, Wednesday if the Fourth of July is on Thursday? I don't know if you...if it makes sense to limit it just for the weekend before, weekend after and then the day maybe before and after the Fourth itself.

But, you know, it seems to be that fireworks have, I mean, the ones that I saw from Reitz Hill this year were spectacular throughout the City. I mean it was amazing to see the size and the quantity as you look out over the City and it's everywhere. And you know it's, like you said, it's every street corner it seems and kids to adults, there are ranges greatly so. I mean I'm not against regulation necessarily on this but I do think that the weekends before and after probably need to be as part of whatever we put together.

**Councilman Adams:** My thought would be just to limit it just to one weekend and I don't care which. I would think it's the weekend closest to the Fourth. I think three or four days is enough celebration, having grown up with a dad who grew up in Ogden, Utah where they shot guns in the air and because the population was so small, they didn't have to worry where the bullets came down. This is sort of a step down but at any rate, also I would suggest that if you have a firework burn, stick it in ice water while you are going to the ER. It stops the burn completely and as long as you can stand the numbness, when you can't, take it out. Once it starts to burn again, put your hand back in the ice water. It's amazing how much you can limit a second and third degree burn with just that simple first aid.

But my thought, and I, just as a thought, would be to limit it to one weekend, the closest to the Fourth.

**Councilwoman Mosby:** I would agree that we do need to research this some. They're still shooting 'em off in my neighborhood and we can't figure who's doing it but it's really...I've received so many complaints. It sounds like a war zone. I mean peoples' houses are shaking; it's shaking their windows. And I know there are certain types of fireworks that we're also not allowed to be shooting off and I think a lot of that's going on as well. I'm not sure if the fire people that sell the fireworks are having to post when, you know, when our ordinance states when we can shoot those off or not but that might be something we look at doing as well. Some, you know, letting people know the ordinance and making sure that the people selling the fireworks know the ordinance too.

**Councilman McGinn:** Yeah, I'm in favor of limiting too. I had all of...I've been on Council for 6½ years and the most calls I got was smoking ordinance, the second most was fireworks this year and I have...there are some people in my neighborhood, I don't know where they are. I mean I have stuff in my yard and on my roof and on my patio every single year and I'm surprised I haven't caught on fire yet so I'm really in favor of limiting it too. I mean, you know, I can do weekend closest to the Fourth. If the Fourth's on a Wednesday it's the one before, you know. Part of this came out cause we felt really bad cause people bought fireworks four or five years ago and then they got rained out you know so I don't know how it got to nine days. I wasn't in favor of nine days but it's way too many so I'll look for some stuff too. Thanks.

**Councilman Adams:** Is there enough...

*Speaking Simultaneously*

**President Friend:** Any other questions?

**Councilman Adams:** Is there enough of a...would anyone from the audience want to make any comment on this issue?

Is there enough of a feeling in Council to have our lawyer craft something? *(Inaudible)*

**Councilman Lindsey:** Well let me say this. Evidently the nine days, it doesn't matter how many days you put on it if they're still shooting 'em off. Where's the enforcement? So you can make as many days as you want; the bottom line is enforcement. How do you enforce all that you know? That's the question. Evidently the...

**Councilman Adams:** Well if you give 'em nine days Al they're going to shoot 'em nine days. If you only give 'em four days, at least...

**Councilman Lindsey:** *(Inaudible)* I understand that.

**Councilman Adams:** At least the police have some direction, and I realize they're overwhelmed. I mean I...they really are in terms of the danger.

**Councilman Lindsey:** Yeah well I agree. I mean I agree with abuse I'd like to see the enforcement, how that's going *(Inaudible)* how that's going to play out.

*Speaking Simultaneously*

**Councilman O'Daniel:** Of course there's a common courtesy *(Inaudible)* there too. You know, I mean, you start shooting 'em off at midnight, you know, and the ordinance says 10:00. I mean...I mean I had a neighbor come by with one of the neighborhood kids and said, "Everybody alright cause, you know, I was in bed and I heard...sound like a bomb go off", and you know, that was just too late for any of that activity but you know I mean it's awfully hard to regulate common courtesy too.

**Councilman McGinn:** My neighborhood, the people shooting around there, and there's a ton of them, I mean they basically comply with the statute as it exists. They only did it for the nine days they were allowed and they stopped right at 11:00.

**Councilwoman Brinkerhoff Riley:** I know!

**Councilman McGinn:** You know...

**Councilwoman Brinkerhoff Riley:** I also really like Councilwoman Mosby's idea of you know when we look at an ordinance making sure that retailers within the city limits are

required to post that information about what our ordinance allows and the time frame so...

**Councilman Adams:** She didn't cover that in the sign ordinance but I think it to be big enough.

**Councilwoman Brinkerhoff Riley:** Right! No, it'd be great to make sure that every time you're selling something in the city limits that the purchaser's getting a notice as to when they can shoot off...

**Councilman Adams:** *(Inaudible)* sign in the window saying, "It's legal to shoot these only off at this particular time".

**Councilwoman Brinkerhoff Riley:** Right. Yeah because otherwise the state law allows 365 days a year...

**Councilman Adams:** Really?

**Councilwoman Brinkerhoff Riley:**...from 9:00 a.m. till 11:00 p.m. so we're up against a state law...

**Councilman Adams:** Wow, I didn't know that.

**Councilwoman Brinkerhoff Riley:**...that allows every single day.

**President Friend:** We have a gentleman. Come on up; state your name, address for the record please. Berniece, I think you want to come up too. I saw your hand go up so just bear with us. We'll have you up here in a second.

**Jerry Nord:** *(Audio Difficulties)* My name is Jerry Nord and I live at 1601 W. Summit Drive in Evansville, the westside.

I just wanted to ask a question that right now, what is the penalty and if it's a child that's seven, eight, nine years old that's shooting off the fireworks, who is responsible for the fine that would be imposed against that young person? And I also agree with the enforcement. You know, presently I don't think we have any. We can make a phone call but that is not a high priority for the police and Sheriff to come out and investigate something that may happen now and a half an hour later they try to get out there to find out what happened.

**Council Attorney Danks:** Well, parents are responsible for their children under the age of 18.

**Councilwoman Brinkerhoff Riley:** Up to \$5,000 I think is the current statute for torts so the negligence of my child, I can be responsible up to \$5,000.

**Jerry Nord:** *(Audio Difficulties)* I think that is the information that needs also be distributed because if a parent is buying the fireworks and they allow their child to go ahead and set it off, they need to be understanding, or understand that they have a great financial responsibility in that and I think at this point that, you know, the 10 day period of whatever is not as much of a factor as knowing what the penalties are and I think there'll be more parental involvement in making sure that they're responsible for what they do.

**Councilwoman Brinkerhoff Riley:** *(Inaudible)* and it was a couple summers ago that we had a rental house in the neighborhood that they were letting the kids shoot the bottle rockets at houses. I mean they landed on my roof and so I mean that becomes a real issue when people understand the liability I think it makes a difference.

**Jerry Nord:** *(Audio Difficulties)* It make a real good contest to see who's in the yard shooting.

**Council Attorney Danks:** Dr. Adams, I will draft a proposed amendment to the current ordinance and then I'll circulate to the Council for input.

**Councilman Adams:** I think that's a great idea that also not only just the days but the fact that if your kid is under 18, you have a \$5,000 onus that you may...

**Council Attorney Danks:** Well that's by statute for negligence. They *(Inaudible)*...  
*Speaking Simultaneously*

**Councilman O'Daniel:** Yeah, I don't it's a *(Inaudible)*...

*Speaking Simultaneously*

**Councilman Adams:** But I think that as a reminder to those people buying the fireworks that they are responsible for their kids.

**Council Attorney Danks:** I can do that and something the Council might want me to address, I read something recently, there was a study, but 85% of injuries aren't due to the firework it's due to alcohol consumption.

**Councilman O'Daniel:** Leading up to it.

**Council Attorney Danks:** So if we can regulate that by ordinance and I'll research that and if you're going to be shooting 'em off you might not want to be under the influence or certainly not intoxicated. I'll look at it, draft something up and send it on.

**Councilman O'Daniel:** Could we get an idea of maybe what some other communities are doing, not that we have to follow them or anything but...

**Council Attorney Danks:** Yeah, I routinely do that. I do a search and then I compare ours with others and I'll see what they have, what they don't have and send you out something.

**President Friend:** Thank you Jerry, appreciate it.

**Jerry Nord:** *(Audio Difficulties)* Thank you very much.

**President Friend:** Thanks for your comments.

Berniece, please. Good to see you by the way Berniece.

**Berniece Tirmenstein:** *(Audio Difficulties)* Berniece Tirmenstein. I'm happy to see that the LST 325 stayed in Evansville and for all those people who signed petitions *(Inaudible)*. My question is in the original 10-year contract there were three stipulations. 1) We're to build a World War II museum. 2) Signage for the LST. 3) Publicity.

Now where...is it working?

**Unidentified Speaker:** *(Off Mic)* No.

**Councilwoman Brinkerhoff-Riley:** *(Off Mic)* I don't think it's...

*Laughter*

**Councilman O'Daniel:** I don't think it's working.

**Berniece Tirmenstein:** *(Audio Difficulties)* You want me to go back?

**Councilman O'Daniel:** *(Off Mic)* No, no.

**President Friend:** I hear you.

**Councilman O'Daniel:** *(Off Mic)* *(Inaudible)* hear you.

**President Friend:** We hear you.

**Berniece Tirmenstein:** My question is does the City...will they commit to building a World War II museum?

**Councilman Adams:** I think there is a private group that is researching that at this juncture. Paul Black is a...one of the members of that board and they gave a fundraiser about...during the Shrine Fest out at one of the hangars with a P-47. It was great. I didn't realize how big the airplane was.

**Councilwoman Brinkerhoff-Riley:** Is this the same idea about the museum at the airport.

**Councilman O'Daniel:** *(Off Mic)* That's it.

**Councilwoman Brinkerhoff-Riley:** Okay, okay.

**Berniece Tirmenstein:** *(Audio Difficulties)* What was that comment?

**Councilwoman Brinkerhoff-Riley:** They're putting...I think they've got...they've been acquiring some exhibits to do just at the airport.

**Councilman Adams:** I think it's called American Heritage Foundation, or something like that.

**Councilman Weaver:** Freedom Heritage, I believe.

**Councilman Adams:** Freedom, thank you. Yeah *(Inaudible)*.

**Councilwoman Brinkerhoff-Riley:** And I know that there is, there's one in Vincennes. I don't know if it's World War II but there's a military museum in Vincennes that sometimes people organize bus trips up there and so it would complement that one. And I think they've got a plane up there too. *(Inaudible)*

**Councilman Adams:** There's a huge one in Fort Wayne.

**Councilwoman Brinkerhoff-Riley:** Yeah...Vincennes.

**Councilman McGinn:** Vincennes is all a private collection of Jim Osborn, Circuit Court judge of there. He's been collecting war memorabilia forever.

**Councilwoman Brinkerhoff-Riley:** But it's open. It's open to the public and they've got regular hours...

**Councilman McGinn:** Yeah, he ran out of places to store it. He filled three or four or five barns and a...



**Councilwoman Brinkerhoff-Riley:** Right.

**Councilman McGinn:**...40-acre field and so he got that.. *(Inaudible)*  
*Speaking Simultaneously*

**Councilwoman Brinkerhoff-Riley:** I know that sometimes they organize bus trips to go up there...

**Councilman McGinn:** Yeah, it's a nice display.

**Councilwoman Brinkerhoff-Riley:**...so having one here creates kind of a little circuit.

**Berniece Tirmenstein:** *(Audio Difficulties)* Thank you.

**President Friend:** Thank you Berniece. Do we have any other...yes John, come up. Please state your name for the record and your address.

**John Eickhoff:** *(Audio Difficulties)* Good evening. My name is John Eickhoff. I am from West Franklin. Just like to invite you all down sometime, it's a lot of exciting things going on down there now. Saturdays we have the farm market. I don't know if anybody's been down there for Saturday. You was down there this Saturday?

**Councilman Weaver:** Last Saturday.

**John Eickhoff:** *(Audio Difficulties)* There was probably 500 people in the park on Saturday so it's got a lot of things going on on Franklin Street.

Now the parking proposal that's going on, I'm getting mixed emotions from some of the retailers. Some of the others for, some against. I'm still on the fence with it. I guess the proposal is if someone comes there with a new building then you're going to have to make parking criteria that other people's done before. Is this correct?

**Councilman O'Daniel:** Yes.

**John Eickhoff:** Okay. So what we've got right now on Franklin Street, we have got 53 storefronts so this proposal is to promote business. We've got 53 storefronts. We've got three buildings that are vacant. Those three that are vacant, those owners are not interested in renting or selling. I currently have four people searching for a building on Franklin Street. We've got two new restaurants coming in in the 2100 block. We've got three other restaurants in the 2100 block. You know, Wednesday night and Thursday night, Friday night and Saturday night especially, that block is extremely packed, looking for parking. *(Inaudible)*, there's ample parking on Franklin Street, don't get me wrong there. But you know I think some of these ordinances were put in to help, perhaps to

protect the small guy that depends on those two parking spots in front of his store, you know, there may be a little checks and balance there cause there's a jewelry store down there that, you know, he changes watch batteries real quick -*Finger Snapping Sound* -. People in and out and in and out. If all these spots get parked up, will these smaller stores get pushed out, booted out?

**President Friend:** Are those stores open at 6:00, 7:00, 8:00 at night?

**John Eickhoff:** (*Audio Difficulties*) Some of 'em.

**President Friend:** Do all the retail close at 8:00?

**John Eickhoff:** (*Audio Difficulties*) Yeah, well we've got a lot of problems. I've got people that own retail stores that want to do away with the two-hour parking so they can park on Franklin Street. Now what sense does that make? When your potential customers is right there. I don't understand it. You see that, don't you Jonathan? Right? They'll park there for two, three hours at a time, right in front your store, correct?

**Councilman Weaver:** It happens I guess.

**John Eickhoff:** (*Audio Difficulties*) It happens I guess but...

**Councilman Lindsey:** There is a two-hour limit there, right?

**Councilman Weaver:** It should be patrolled; that's my understanding.

**John Eickhoff:** (*Audio Difficulties*) Okay, is the City willing to patrol Franklin Street every day?

**President Friend:** This lady right here can answer that question for us.

**City Clerk Windhorst:** We currently do it a couple times randomly a week just cause of the small manpower. We only have two meter police so with the downtown area and the Civic Center area that we patrol already, we had a request for people to patrol Franklin Street so what we did is we just kind of incorporate it into our route so it would get random... so people don't know which day it will occur but it does happen twice a week at least.

**John Eickhoff:** Yeah, I understand. I know and there's people know when they're... yeah...to move their vehicle or whatever. It's...yeah, like I said, I don't know if this change of ordinance is going to help, hurt. I don't know if we need to study on it. I don't know if we need...

**President Friend:** There was a study done out in some of the areas in the country whereby they was showing that usually when you bring more people into an area, actually attracts even more people into an area. It's kind of a...it's a...it's exponential type of area which normally would increase usually retail business. That's what they were showing in the other area of the country.

**Councilman O'Daniel:** And you know, I kind of share your pain...

**John Eickhoff:** Let me say, I'm not opposed I just don't know. I just...

**Councilwoman Brinkerhoff-Riley:** Well here's the way we look at it on North Main. When we talk about North Main, and one of the reasons that I had suggested it for North Main is that as we redevelop the North Main corridor and we strive for, you know, the activity that goes on Franklin Street, is that one of the things we're doing right as we look at those 19 blocks, and because we can, on North Main we can. We've got all kinds of property that the City owns or that we can acquire pretty easily so as we look at making the 19 blocks of North Main sort of pedestrian retail, we're....and Kelley is here from the DMD, one of the things that we're doing is looking...what they referred to as pocket parking, so as we look at developing North Main and waiving the parking requirements for new retail, we as a city will take on purchasing and facilitating some public parking lots along the way so when you hit this 10 or 15 blocks that's really dense with pedestrian retail, you'll be able to park in a public lot a block off and then walk up and do what you want and so one of the ideas when you look about waiving the parking, you know North Main is really a prime example of where that could work because you know there's so little parking issues now and as we develop a need for parking, we've got the ability to buy and own lots along the way and so it's one of the things that when you look at Franklin Street, you look at the same thing or do you have places where you can facilitate as public lots, where people can pull in and park and then it's a block up, up to Franklin Street and part of that you really see during the Fall Festival because of the Nut Club and what they facilitate but it's that same kind of concept of when people pull up and grab a parking spot, they're expecting to walk. I mean you know it's a...it's five or six or however long this commercial district is that's all foot traffic but I know exactly what you mean when you talk about Brucken's there and that ability to pull up and just pick something up. Same thing with SouthWest Grafix; I just want to grab an order that I've picked up...

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

**Councilwoman Brinkerhoff-Riley:** No, no I understand. It's the same thing when I drive down Main Street and I want to stop at Al Dente and get a cup of coffee and I can't get a spot for two blocks.

**John Eickhoff:** *(Audio Difficulties) (Inaudible)*...when you've got people at a bar or restaurant for two or three hours at a time taking...

**Councilwoman Brinkerhoff-Riley:** Yeah and tha...but that's primarily evening, you know.

**John Eickhoff:** *(Audio Difficulties)* Well, primarily.

**Councilwoman Brinkerhoff-Riley:** Well okay, primarily.

**John Eickhoff:** *(Audio Difficulties)* There's the Riverbend there too, you know, that's all day long so...

**Councilwoman Brinkerhoff-Riley:** *(Off Mic)* That is true.

**John Eickhoff:** *(Audio Difficulties)* Ah, so...

**Councilman O'Daniel:** Well I think the concern is is you don't want to push it off into residential areas either.

**Councilwoman Brinkerhoff-Riley:** No but you want to find a balance.

*Speaking Simultaneously*

**Councilman O'Daniel:** So if you ever created a club where...

**John Eickhoff:** *(Audio Difficulties)* It's *(Inaudible)*...

**Councilman O'Daniel:**...Bud's Harley...that's what I'm saying.

**John Eickhoff:** *(Audio Difficulties)* It is.

**Councilman O'Daniel:** And if you just eliminate it, I mean there's several exceptions right now that they have in place but to go from this with a variance or an appeal type situation, a VZA, to nothing that may be too much, it may be too much on the residential areas it but...

**John Eickhoff:** *(Audio Difficulties)* I'm mixed...I don't know how it's going to work, how it's going play out. I know there's just a lot in that one block and there's going to be a lot of people scrambling to get as close as they can.

**Councilman O'Daniel:** And you know to John's point, where there's people, there will be new development whether it be, you know, I just said by the time...

**John Eickhoff:** *(Audio Difficulties) (Inaudible)*

**Councilman O'Daniel:**...the old Bud's Harley Davidson would be a great club but it's got no parking and so...

**John Eickhoff:** *(Audio Difficulties)* So now...

**Councilman O'Daniel:**...so now you just add to the problem on a night but that's...

**John Eickhoff:** *(Audio Difficulties)* Yeah, you could put 300 people in that building.

**Councilman O'Daniel:** That's...

**Councilwoman Brinkerhoff-Riley:** Right.

**Councilman O'Daniel:** Yeah.

**Councilwoman Brinkerhoff-Riley:** So is that idea of, you know, where does it work? On North Main where we've got limited restaurants and bars it's great because it allows to facilitate a restaurant or bar that isn't there already and we don't have any parking issues. You know we went down to...I went into Al Lindsey's area on Saturday night. It was my husband's birthday so we had dinner at Tin Man and we drove the strip just looking around to see what had come in and what it kind of looked *(Inaudible)* at night and there was a bar playing...a band playing at the library.

*Speaking Simultaneously*

**John Eickhoff:** *(Audio Difficulties) (Inaudible)* park.

**Councilwoman Brinkerhoff-Riley:** You know there was a lot going on and so we kind of drove down the street and conceptualized what it would look like. When you drive down North Main you think about adding a bar or a club, we would love it.

**John Eickhoff:** *(Audio Difficulties)* Uh-huh.

**Councilwoman Brinkerhoff-Riley:** But with Franklin you've already got some so it's a little different analysis of how you accommodate it but...I understand your concerns.

**John Eickhoff:** *(Audio Difficulties)* I'm mixed on it. I don't know what's going to happen *(Inaudible)*.

**President Friend:** Well we know one thing though, if you have 300 people at that place they're going to have a lot sales tax they're going to be picking up; Food & Beverage taxes and we need that big time.

**John Eickhoff:** *(Audio Difficulties)* Alright. *(Inaudible)*

**President Friend:** Food & Beverage tax you know.

**John Eickhoff:** *(Audio Difficulties)* Thank you.

**President Friend:** Well thank you John, I appreciate that.

Any other...anybody else in the audience? Okay with that, let's have a Committee Reports.

**COMMITTEE REPORTS:**

**A.S.D. COMMITTEE:**

Re: **Ordinance G-2014-15**

Date: July 28, 2014

Time: 5:15 pm

Notify: Kelley Coures

**CHAIRMAN ADAMS**

Amending Ch. 2.107 (Fair Housing Regulations) of the Evansville Municipal Code

Re: **Ordinance G-2014-16**

Date: July 28, 2014

Time: 5:25 pm

Notify: Scott Danks

Amending Ch. 18.135.020 (Off Street Parking & Loading) of the Evansville Municipal Code

**FINANCE COMMITTEE:**

Re: **Resolution C-2014-17**

Date: July 28, 2014

Time: 5:10 pm

Notify: Chris Kinnett, Growth Alliance

**CHAIRMAN O'DANIEL**

Preliminary Resolution Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property (Traylor Bros., Inc.)

**PUBLIC WORKS COMMITTEE:**

Re: **Ordinance G-2014-17**

Date: July 28, 2014

Time: 5:25 pm

Notify: Ted Ziemer

**CHAIRMAN LINDSEY**

Amending Ch. 13.20 (Wastewater Discharge Regulations) of the Evansville Municipal Code

**ADJOURNMENT**

**President Friend:** Thank you very much. I entertain a motion for adjournment.

**Councilwoman Mosby:** So moved.

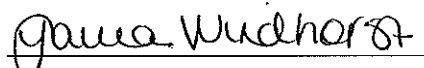
**Councilwoman Robinson:** Second.


**President Friend:** I had a motion made by Councilwoman Mosby and seconded by Councilwoman Robinson.

**Councilman Adams:** See ya.

**President Friend:** We're done. Thank you.

Meeting adjourned at 6:42 p.m.

  
\_\_\_\_\_  
Laura Windhorst, City Clerk

  
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John Friend, President